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April 1, 1996

BY HAND

Mr. William F. Caton, Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Closed Captioning and Video Description of Video Programming
MM Docket No. 95-176

Dear Mr. Caton:

Enclosed are an original and nine copies of the reply comments of the International Cable Channel Partnership, Ltd. in the above-referenced proceeding. Please distribute a copy to each of the Commissioners.

Very truly yours,

Robert Hoegle

Robert L. Hoegle

RLH:ssm
Enclosures

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APR - 1 1996

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
) MM Docket No. 95-176
Closed Captioning and Video)
Description of Video Programming)

REPLY COMMENTS OF
THE INTERNATIONAL CABLE CHANNEL PARTNERSHIP, LTD.

The International Cable Channel Partnership, Ltd. ("ICCP") submits these reply comments in response to the Commission's Notice of Inquiry and subsequent notice announcing that the Commission also will use this proceeding to implement Section 305 of the Telecommunications Act of 1996. As the owner and operator of a programming service known as the International Channel, ICCP believes that it can provide certain unique insights into the use of closed-captioning in foreign-language programming.

The International Channel is a multilingual video programming service providing educational and entertainment programming appealing to a variety of minority and ethnic groups.¹ Launched on July 3, 1990, the International Channel presently is distributed by multichannel video programming distributors, particularly cable operators, throughout the United States and in Latin America to approximately 7 million subscribers. ICCP provides

¹ ICCP also is developing a series of 12 new premium channels dedicated to the following languages: Cantonese Chinese, Mandarin Chinese, French, German, Polish, Greek, Arabic, Italian, Korean, Vietnamese, Tagalog (Filipino), and The Commonwealth (serving the British, Irish, Australians, Indians and Pakistanis).

programming twenty-four hours per day to disparate ethnic groups in their native languages and features programming in twenty-three different Asian, European and Middle Eastern languages, including Arabic, Armenian, Cambodian, Cantonese, Farsi, French, German, Greek, Hebrew, Hmong, Hindi, Italian, Japanese, Korean, Mandarin, Mon Khmer (Cambodian), Norwegian, Polish, Russian, Spanish, Tagalog (Filipino), Thai and Vietnamese. It is the kind of niche service which greatly expands the diversity of programming available to viewers by providing unique programming which would otherwise be unavailable.

ICCP transmits the closed captioning provided by the producers and distributors of its programming. Programming produced by large foreign networks often contains captions in English. By year-end, approximately 30 percent of the programming appearing on the International Channel will include open or closed captions. Recently, ICCP initiated an open captioning test and is producing programming on the Taiwanese, Russian and Hindi elections with open English captions. However, the cost of such captioning is prohibitive and makes additional widespread closed captioning on the International Channel economically unfeasible. For example, the cost of open captioning a two-hour program on the Taiwanese election exceeded \$5,000.

The International Channel programming appears to be precisely the kind of “class” or “category” of programming that Congress and the Commission had in mind when identifying the criteria for exemptions from mandatory closed captioning requirements. In determining whether an exemption from mandatory closed captioning is appropriate, Congress directed the Commission to consider several factors, including:

- Nature and cost of providing closed captions;
- Impact on the operations of the program provider, distributor, or owner;

- Financial resources of the program provider, distributor, or owner and the financial impact of the program; and
- Cost of the captioning, considering the relative size of the market served or the audience share.

H.R. Conf. Rep. No. 458, 104th Cong., 2d Sess. 183 (1996). Indeed, the unique circumstances presented by foreign-language programming also would compel a finding that mandatory closed captioning constitutes an “undue burden” under the criteria set forth in 47 U.S.C. §613(e).

Because the International Channel targets a narrow niche -- minority and ethnic viewers -- and is programmed in foreign languages, its distribution and, as a consequence, advertising and subscriber revenues are limited. These same characteristics, however, substantially increase the cost and production difficulty of closed captioning. Consistent with its mission of providing a foreign language alternative to minority and ethnic viewers, ICCP would have to close caption its programming in the applicable foreign language in order to serve hearing-impaired subscribers. Thus, ICCP’s costs would substantially exceed the significant costs for closed captioning in English, which are well documented in this proceeding. Further, such foreign-language expertise is scarce and, for some languages, virtually unavailable. Finally, the characters in certain foreign languages cannot be processed with normal computerized word processing and closed captioning equipment. Closed captioning in English would require a staff with multiple translators for each of the more than twenty foreign languages. Whether captioned in English or the appropriate foreign language, it would be extremely difficult to maintain an acceptable quality level with minimal errors.

In short, closed captioning foreign-language programming, particularly in multiple languages, presents unique problems, rendering mandatory captioning impractical and prohibitively expensive. Although ICCP remains committed to providing the viewers of the

International Channel the open and closed captions on the programming which it acquires and captioning selected programming, it simply does not have the economic resources and foreign-language talent required for wide-spread mandatory closed captioning.²

April 1, 1996

Respectfully submitted,

THE INTERNATIONAL CABLE
CHANNEL PARTNERSHIP, LTD.

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² ICCP does not have experience with video description, but it appears that the skills required for this technique would only exacerbate the problems and increase the expenses summarized above for closed captioning. To ICCP's knowledge, there simply is no available talent pool of individuals capable of providing video descriptions in the appropriate foreign languages.